

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01799-CJN**

DEMOCRACY FORWARD FOUNDATION v. U.S.
DEPARTMENT OF COMMERCE
Assigned to: Judge Carl J. Nichols
Cause: 05:552 Freedom of Information Act

Date Filed: 07/31/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**DEMOCRACY FORWARD
FOUNDATION**

represented by **Karianne Melissa Jones**
DEMOCRACY FORWARD
FOUNDATION
1333 H Street NW
Washington, DC 20005
(202) 448-9090
Email: kjones@democracyforward.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF
COMMERCE**

represented by **William Mark Nebeker**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/31/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF COMMERCE (Filing fee \$ 400 receipt number 0090-5613413) filed by DEMOCRACY FORWARD FOUNDATION. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Jones, Karianne) (Entered: 07/31/2018)
08/01/2018		Case Assigned to Judge Amit P. Mehta. (zsb) (Entered: 08/02/2018)
08/02/2018	<u>2</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF COMMERCE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 08/02/2018)
08/07/2018	<u>3</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by DEMOCRACY FORWARD FOUNDATION (Jones, Karianne) (Entered: 08/07/2018)
08/15/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/6/2018. (Answer due for ALL FEDERAL DEFENDANTS by 9/5/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/6/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF COMMERCE served on 8/6/2018 (Attachments: # <u>1</u> Declaration)(Jones, Karianne) (Entered: 08/15/2018)

08/16/2018	<u>5</u>	NOTICE of Appearance by William Mark Nebeker on behalf of U.S. DEPARTMENT OF COMMERCE (Nebeker, William) (Entered: 08/16/2018)
09/05/2018	<u>6</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by U.S. DEPARTMENT OF COMMERCE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 09/05/2018)
09/06/2018		MINUTE ORDER granting Defendant's <u>6</u> Unopposed Motion for Enlargement of Time. Defendant shall respond to Plaintiff's Complaint no later than September 12, 2018. Signed by Judge Amit P. Mehta on 09/06/2018. (lcapm1) (Entered: 09/06/2018)
09/06/2018		Set/Reset Deadlines: Defendant's Responsive Pleading to Complaint due by 9/12/2018. (zjd) (Entered: 09/07/2018)
09/12/2018	<u>7</u>	ANSWER to Complaint by U.S. DEPARTMENT OF COMMERCE.(Nebeker, William) (Entered: 09/12/2018)
09/13/2018	<u>8</u>	ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before September 27, 2018. The Joint Status Report shall include (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under Open America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Please see the attached Order for further details. Signed by Judge Amit P. Mehta on 09/13/2018. (lcapm1) (Entered: 09/13/2018)
09/13/2018		Set/Reset Deadlines: Joint Status Report due by 9/27/2018. (zjd) (Entered: 09/14/2018)
09/13/2018		Set/Reset Deadlines: Joint Status Report due by 9/27/2018. (zjd) (Entered: 09/14/2018)
09/27/2018	<u>9</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 09/27/2018)
09/28/2018		MINUTE ORDER. Upon consideration of the parties' <u>9</u> September 27, 2018, Joint Status Report, the parties are directed to file another Joint Status Report, on or before October 29, 2018, that updates the court on their progress and, if necessary, proposes a briefing schedule for summary judgment. Signed by Judge Amit P. Mehta on 09/28/2018. (lcapm1) (Entered: 09/28/2018)
09/28/2018		Set/Reset Deadlines: Joint Status Report due by 10/29/2018. (zjd) (Entered: 09/28/2018)
10/29/2018	<u>10</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 10/29/2018)
10/30/2018		MINUTE ORDER. The parties shall file an additional Joint Status Report no later than November 29, 2018, updating the court on the agency's search and production efforts in response to Plaintiff's FOIA request. Signed by Judge Amit P. Mehta on 10/30/2018. (lcapm1) (Entered: 10/30/2018)
10/30/2018		Set/Reset Deadlines: Joint Status Report due by 11/29/2018. (zjd) (Entered: 10/31/2018)
11/29/2018	<u>11</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 11/29/2018)
11/29/2018		MINUTE ORDER. Upon consideration of the parties' <u>11</u> November 29, 2018, Joint Status Report, the parties are directed to file another Joint Status Report, on or before January 9, 2019, that updates the court on their progress. Signed by Judge Amit P. Mehta on 11/29/2018. (lcapm1) (Entered: 11/29/2018)
11/29/2018		Set/Reset Deadlines: Joint Status Report due by 1/9/2019. (zjd) (Entered: 12/03/2018)
01/08/2019	<u>12</u>	Unopposed MOTION to Stay (<i>Defendant's Unopposed Motion to Stay Proceedings in Light of Lapse in Appropriations</i>) by U.S. DEPARTMENT OF COMMERCE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 01/08/2019)

01/10/2019		ORDER granting <u>12</u> Defendant's Unopposed Motion to Stay Proceedings. This matter is hereby stayed. Within three business days of Department of Justice operations resuming, Defendant shall notify the court by when the parties will file their Joint Status Report. Signed by Judge Amit P. Mehta on 01/10/2019. (lcapm1) (Entered: 01/10/2019)
01/29/2019	<u>13</u>	NOTICE OF RESTORED GOVERNMENT FUNDING AND JOINT STATUS REPORT by U.S. DEPARTMENT OF COMMERCE (Nebeker, William) (Entered: 01/29/2019)
01/30/2019		MINUTE ORDER. The parties shall file their next Joint Status Report no later than February 20, 2019. Signed by Judge Amit P. Mehta on 01/30/2019. (lcapm1) (Entered: 01/30/2019)
01/30/2019		Set/Reset Deadlines: Joint Status Report due by 2/20/2019. (zjd) (Entered: 02/05/2019)
02/26/2019		MINUTE ORDER. The parties did not file a Joint Status Report by February 20, 2019, as the court directed in its Minute Order entered on January 30, 2019. The parties shall file a status report no later than February 28, 2019. Signed by Judge Amit P. Mehta on 02/26/2019. (lcapm1) (Entered: 02/26/2019)
02/28/2019	<u>14</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 02/28/2019)
02/28/2019		MINUTE ORDER. The parties shall file their next Joint Status Report by April 3, 2019, updating the court on the status of Defendant's production of responsive records. Signed by Judge Amit P. Mehta on 02/28/2019. (lcapm1) (Entered: 02/28/2019)
02/28/2019		Set/Reset Deadlines: Joint Status Report due by 4/3/2019. (zjd) (Entered: 03/10/2019)
04/03/2019	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 04/03/2019)
04/04/2019		MINUTE ORDER. The parties shall file their next Joint Status Report by May 15, 2019, which updates the court on Defendant's production and estimates a date for completing production. Signed by Judge Amit P. Mehta on 04/04/2019. (lcapm1) (Entered: 04/04/2019)
04/04/2019		Set/Reset Deadlines: Joint Status Report due by 5/15/2019. (zjd) (Entered: 04/04/2019)
04/04/2019		Set/Reset Deadlines: Joint Status Report due by 5/15/2019. (zjd) (Entered: 04/05/2019)
05/15/2019	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 05/15/2019)
05/16/2019		MINUTE ORDER. The parties shall file their next Joint Status Report by June 19, 2019, which updates the court on Defendant's production and estimates a date for completing production. Signed by Judge Amit P. Mehta on 05/16/2019. (lcapm1) (Entered: 05/16/2019)
05/16/2019		Set/Reset Deadlines: Joint Status Report due by 6/19/2019. (mac) (Entered: 05/16/2019)
06/19/2019	<u>17</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 06/19/2019)
06/21/2019		MINUTE ORDER. The parties shall file their next Joint Status Report by August 7, 2019, which updates the court on Defendant's production and estimates a date for completing production. Signed by Judge Amit P. Mehta on 06/21/2019. (lcapm1) (Entered: 06/21/2019)
06/21/2019		Set/Reset Deadlines: Joint Status Report due by 8/7/2019. (zjd) (Entered: 06/25/2019)
06/24/2019		Case directly reassigned to Judge Carl J. Nichols. Judge Amit P. Mehta is no longer assigned to the case. (rj) (Entered: 06/24/2019)
08/08/2019	<u>18</u>	Unopposed MOTION for Extension of Time to File <i>Joint Status Report</i> by U.S. DEPARTMENT OF COMMERCE (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit Joint Status Report)(Nebeker, William) (Entered: 08/08/2019)

08/08/2019		MINUTE ORDER. Upon consideration of Defendant's <u>18</u> Unopposed Motion for Enlargement of Time, it is hereby ORDERED that the Motion is GRANTED and that the Joint Status Report dated August 7, 2019, is accepted for filing. In light of that Joint Status Report, the Parties shall submit an additional Joint Status Report by September 19, 2019. Signed by Judge Carl J. Nichols on August 8, 2019. (lccjn1) (Entered: 08/08/2019)
09/19/2019	<u>19</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Karianne) (Entered: 09/19/2019)
10/23/2019		MINUTE ORDER. In light of the Parties' <u>19</u> Joint Status Report, it is hereby ORDERED that the Parties shall submit an additional Joint Status Report on or before October 29, 2019. Signed by Judge Carl J. Nichols on October 23, 2019. (lccjn3) (Entered: 10/23/2019)